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PATENT APPLICATION

ATTORNEY DOCKET NO. ___10971523 -4___

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Charles R. Weirauch et al

Confirmation No.: 8145

Application No.:09/921024

Examiner: Dinh, Tan X.

Filing Date: Aug 02, 2001

Group Art Unit: 2653

Title: Data Structure For Control Information On Rewritable Data Storage Media

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TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on ___07/12/2005___ .

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)
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( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of ___$500.00___ . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number_(571) 273-8300___ on __Aug. 19. 2005__

Number of pages:

Typed Name: Donna M Kraft

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Respectfully submitted,

Charles R. Weirauch et al

By

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PATENT APPLICATION

ATTORNEY DOCKET NO. 10971523-4

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):   Charles R. Weirauch & Joel B. Larner

Serial No.:   09/921,024   Examiner: Dinh, Tan X.

Filing Date: 08/02/2001   Group Art Unit: 2653

Title: DATA STRUCTURE FOR CONTROL INFORMATION ON REWRITABLE DATA
                 STORAGE MEDIUM

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

BRIEF ON APPEAL

INTRODUCTION

Pursuant to the provisions of 37 CFR Part 41, Subpart B, applicants hereby appeal to the Board of Patent Appeals and Interferences (the "Board") from the examiner's final rejection dated 05/12/2005. A notice of appeal was timely filed on 07/12/2005, in accordance with 37 CFR § 41.31(a)(1).

REAL PARTY IN INTEREST

The entire interest in the present application has been assigned to Hewlett-Packard Development Company, L.P. as recorded at reel 014061, frame 0492.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

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STATUS OF CLAIMS

Claims 3-6 are pending in the application.

Claims 1-2 are canceled.

Claims 5-6 are withdrawn from consideration.

Claims 3-4 are rejected.

Claims 3-4 are on appeal.

STATUS OF AMENDMENTS

There are no after-final amendments.

SUMMARY OF CLAIMED SUBJECT MATTER

This invention relates generally to data storage media and more specifically to data structures used for control attributes for a rewriteable medium. A data structure called a Disk Control Block (DCB) is defined (figure 2, 200) (page 4, line 18). The DCB includes a header (figure 2; 202, 204, 206), and the header includes an identifier (figure 2, 202), and an area called Unknown Content Descriptor Actions (UCDA) (figure 2, 204), which specifies certain actions a drive must take if the drive does not recognize the identifier for the DCB (page 5, lines 11-14). The UCDA contains single bit fields, where each bit specifies an access control attribute (page 8, lines 21-22). As one example, an unknown DCB may disable reading of the DCB specific area of the DCB to ensure that a password in the DCB cannot be read by unauthorized drives (page 9, lines 5-7). As additional examples, specific UCDA bits may disable writing within the DCB area of the lead-in and lead-out areas, disable writing with the data area of the disk, disable writing to any part of the disk, disable overwriting of the data area, disable reformatting, disable reading of the data area, and so forth (page 9, lines 7-11).

Claim 3 specifies a data storage medium (figure 1, 100), comprising: data stored in the form of a data structure (figure 2, 200), the data structure including a header (figure 2;

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202-206); the header including a bit specifying control of reading part of the data structure (page 9, lines 5-7).

Claim 4, dependent on claim 3, further specifies that the header includes a bit specifying control of overwriting the data structure (page 9, lines 7-11).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 3 and 4 are comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

2. Whether claims 3 and 4 are unpatentable under 35 U.S.C. § 102 as anticipated by U.S. Patent Number 5,233,576 (Curtis *et al.*).

ARGUMENT

CLAIM 3 IN LIGHT OF 35 U.S.C. § 112, FIRST PARAGRAPH.

Claim 3 is as follows: A data storage medium, comprising:
    data stored in the form of a data structure, the data structure including a header;
    the header including a bit specifying control of reading part of the data structure.

From the specification, at page 4, line 18 (emphasis added): "A data structure called a Disk Control Block is defined."

From the specification at page 5, lines 11-14 (emphasis added): "The proposed standard specifies a standard header. The header contains three information items: (1) a DCB ID number (202), (2) an Unknown Content Descriptor Actions (UCDA) area (204), and (3) a vendor ID (206)."

From the specification at page 8, lines 21-22 (emphasis added): "The UCDA contains single bit fields, where each bit specifies an access control attribute."

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From the specification at page 9, lines 5-7 (emphasis added): "For an additional example, a unknown DCB may <u>disable reading of the DCB specific area of the DCB</u> to ensure that a password in the DCB cannot be read by unauthorized drives."

Accordingly, applicant submits that every limitation in claim 3 is expressly supported in the specification as filed.

CLAIM 4 IN LIGHT OF 35 U.S.C. § 112, FIRST PARAGRAPH.

Claim 4, dependent on claim 3, further specifies that the header includes a bit specifying control of overwriting the data structure.

From the specification at page 9 lines 7-10 (emphasis added): ". Specific UCDA bits may, for example, <u>disable writing within the DCB area of the lead-in and lead-out areas</u>, disable writing with the data area of the disk, disable writing to any part of the disk, disable overwriting of the data area, disable reformatting, disable reading of the data area, and so forth."

Accordingly, applicant submits that every limitation of claim 4 is expressly supported in the application as filed.

CLAIMS 3 AND 4 IN LIGHT OF CURTIS *ET AL.*

Claim 3 is as follows: A data storage medium, comprising: data stored in the form of a data structure, the data structure including a header; the header including a bit specifying control of reading part of the data structure.
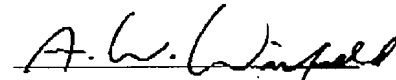
In the final office action, regarding claim 3 and Curtis *et al.*, the examiner cites figure 4, and column 3, lines 35-60. The cited portions of Curtis *et al.* do not support the examiner's characterization. Figure 4 illustrates the format of a sector. Column 3, lines 35-60 state that each sector includes a storage state bit. In a first embodiment, the storage state bit defines whether the sector is writeable or read-only. For either writeable or read-only, the sector can be <u>read</u>. In a second embodiment, the storage state bit is used to indicate whether or not the sector has been written, making the sector "write-once-read-many". By

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definition, "read-many" means the sector can be <u>read</u>. Accordingly, for either embodiment, Curtis *et al.* do not teach or suggest that a storage state bit specifies control of <u>reading</u> of part of the sector.

CONCLUSION

In view of the above, applicant respectfully requests that the examiner's rejection of claims 3-4 be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

3. A data storage medium, comprising:

    data stored in the form of a data structure, the data structure including a header;

    the header including a bit specifying control of reading part of the data structure.

4. The data storage medium of claim 3, further comprising:

    the header including a bit specifying control of overwriting the data structure.

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EVIDENCE APPENDIX

Does not apply

RELATED PROCEEDINGS APPENDIX

None